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Written statement* submitted by the Asian Legal Resource Centre, a non-governmental organization in general consultative status

The Secretary-General has received the following written statement, which is hereby circulated in accordance with Economic and Social Council resolution 1996/31.

[2 February 2018]

* This written statement is issued, unedited, in the language(s) received from the submitting non-governmental organization(s).

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INDONESIA: Minority Groups Freedom of Religion and Beliefs Remain on Paper

The Asian Legal Resource Centre (ALRC) wishes to inform the UN Human Rights Council (UNHRC) about the on-going problems of freedom of religion and beliefs in Indonesia. So far the Government has failed to settle the old problems of religious conflict; therefore the same patterns still recur. These problems are twofold: #1 banning the establishment of places of worship by anti-tolerant groups and # 2 persecution of minority groups such as Ahmadiyya and Shi'a, up until today. The problem of Internally Displaced Persons (IDPs) of Shi'a and Ahmadiyya in Lombok and Sidoardjo remains unresolved. They cannot go back to their home towns due to no security guarantee for them. For more than five years, Shi'a congregations remain in the same modest apartment managed by the East Java administration in Sidoarho. Even after this long period of time has passed, the Shi'a congregations are made to not feel at home.

According to the latest update received, the situation faced by the Shi'a congregation in Sidoardjo is that they have not received any response from the Government. It concerns their remaining properties such as houses and lands in their hometown. In addition, the Government has stopped funding education for Shi'a children who live in a modest apartment in Sidoardjo. This means that the members of the Shi'a congregation who do not have permanent jobs have to finance their children's schooling expenses themselves

Now, let us look at matters relating to health insurance. The Government has provided health insurance for only 45 Shi'a congregations out of a total 342 congregations. There have been no Government efforts to find an economic solution for the Shi'a refugees. The Government is also reluctant to touch and resolve the main problem faced by the Shi'a. Seemingly, six years ago they were attacked and forcibly evicted from their hometown in Sampang Madure Island by anti-tolerant groups. Furthermore, the Government is also averse to discussing and using Conflict Resolution to solve the matter peacefully. There has been massive pressure from civil society groups to solve the matter through a conflict resolution mechanism. The Government provides little economic means for them amounting to merely IDR 709,000 monthly for living expenses, including education. This amount is too small and not sufficient to cover their total living expenses. Instead of finding a way to bring them back to their original home towns, the Local Government of East Java Province prefers to relocate them. This new place is far from their previous homes and significantly far from their previous culturally historic life in Sampang, where most of them were born and grew up.

We turn now to another religious minority group from 2008 until 2018. Ahmadiyya congregations remain in a Wisma Transito transit house, in Mataram, Lombok, West Nusa Tenggara Province. In total, 116 households live in the temporary facility, facing an uncertain future. They encounter difficulties returning home as there is no security guarantee from the Government. Another Ahmadiyya case is from 2011. This Ahmadiyya congregation was prohibited from using the Al Hidayah Mosque in Depok, West Java Province for worship. Despite the fact that the Mosque has an Official Building Permit (IMB) issued by the Government, they still are not allowed to use the Mosque for prayer. Still in West Java Province, particularly in the Kuningan Regency, the Ahmadiyya congregation faced more serious discrimination. They cannot marry! It appears that the Religious Affairs Office (KUA) refused to note and issue a Marriage Certificate (official Marriage Book). In essence it means that the Government does not recognize them as citizens of Indonesia, with all that this implies.

Minority religious groups still face uncertain law enforcement resulting from many local regulations incompatible with international human rights principles and standards. Take for example the 20 Local Regulations against freedom of religion and beliefs given out in 2016. These were mostly in the West Java Province issued in the Bekasi Regency, Bogor, Bandung city Tasikmalaya city, Cianjur and Kuningan. In 2017, regulations against freedom of religions have increased to 46 Local Regulations issued by the same places in the West Java Province. This goes against President Joko Widodo's 2016 order to evaluate or annul local regulations as needed. Unfortunately, his order only related to investment and economic development.

In terms of prohibition of places for worship, two significant examples emerge from the year 2012. #1 The congregation of Yasmin church (GKI Yasmin) in Bogor and #2 Filadelfia church (HKBP Filadelfia) in Bekasi are prohibited from using their churches for worship services. For Christians to celebrate Christmas they had to organize worship in front of the Presidential Palace because there is no security guarantee from the Government for their respective churches. Anti-tolerant groups blocked the churches, prohibiting members from entering. It meant nothing that both churches had official Government Building Permits (IMB). Churches were sealed off and the congregational members prohibited entrance. This problem has continued for many years. There have been only half-hearted efforts made by local and central governments to deal with the situation.

Considering the above matters and the unchanged, long-standing situation faced by minority religious groups in Indonesia, the ALRC urges the Government to:

a. Prioritize settlement of religious conflicts and persecution against minority religious groups.
b. Ensure protection and law enforcement to prosecute anti-tolerant groups who violate the Rule of Law.
c. Stop any form of persecution, discrimination and harassment against minority religions and belief groups.
d. Enable minority religions and belief groups to enjoy worship in their respective places of worship.
e. Stop prohibition and illegal sealing-off of houses of worship belonging to minority groups such as the Yasmin and the Filadelfia churches as well as Ahmadiyya Mosque.
f. Pressure the responsible Government personnel to officially invite the UN Special Rappertour to witness first-hand the grass roots situations of religious minority and belief groups in Indonesia.